U.S. Serial No. 09/535,105
Response to the Office action of June 3, 2005

REMARKS

Claims 1-14 are pending and at issue in the above-identified patent application. Of the claims at issue, claims 1, 7, 9, and 13 are independent. In view of the forgoing amendments and the following remarks, entrance of this response, and reconsideration of this application is respectfully requested.

Clarifying Amendments

As an initial matter, claims 1-14 have been amended to clarify the recited methods and apparatus as suggested by the examiner. In particular, the claims have been amended to explicitly recite that which was implicit in the previous versions of the claims, namely the calculation of a priority value and the three dimensionality of the profile surface. Specifially, the term "determining" has been amended to explicitly claim the calculations of a priority value. Additionally, the term "profile surface" has been amended to explicitly state that the profile surface has at least three dimensions. It will be noted that three dimensions are required to define a surface and accordingly the previous version implicitly claimed a three dimensional profile surface.

Thus, the forgoing amendments are merely clarifying amendments, and accordingly, do not add any new subject matter to the claims and do not require any further searching.

The Rejections under 35 U.S.C. § 102

Claims 1-3, 5, 6, 9, and 12

Claims 1 and 9 are directed to a method and an apparatus for selecting digital objects for display in a digital program guide. Claims 1 and 9 recite receiving a digital object, determining first and second fuzzy variables associated with the digital object, and calculating a priority value by mapping the first and second fuzzy variables onto an at least three dimensional profile surface adapted for determining preferences associated with a television viewer. Claims 1 and 9 further recite comparing the calculated priority value to a predefined threshold and selecting the digital object for display in the electronic television program guide if the first priority value crosses the predefined threshold.

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Claims 1 and 9 were rejected under 35 U.S.C §102 as anticipated by Knee et al. (US 2002/0095676 A1). However, as explained below, reliance on Knee is misplaced because Knee fails to disclose an at least three dimensional profile surface adapted for determining preferences associated with a television viewer, the mapping of first and second fuzzy variables onto the at least three dimensional profile surface, and the calculation of a priority value from the mapping.

While Knee discloses a plurality of comparisons for targeting advertisements, Knee does not disclose or suggest an at least three dimensional profile surface or the mapping of first and second fuzzy variable onto said profile surface. In particular, Knee discloses a *tabular demographic matrix* (see Fig. 2) where each cell of the table includes predetermined weight values for use in targeting advertisements to specified users. In other words, Knee discloses a simple one dimensional table of demographic data, wherein each demographic category includes a predetermined weight value, either calculated via user interaction, or assigned a default value. Knee does not disclose a three dimensional or greater profile surface, which as described in the present application, includes at least two demographic values and an associated priority value. The disclosed table of Knee simply discloses a single dimensional point demographic value, which lacks any further dimension including, for example, desirability or a relation with another demographic value.

Because Knee does not disclose an at least three dimensional profile surface, the mapping of first and second fuzzy variables onto said profile surface or the calculation of a priority value associated with said mapping, it follows that Knee does not anticipate claims 1 and 9. Based on at least the foregoing deficiencies noted in the Knee reference, it is respectfully submitted that claims 1-3, 5, 6, 9, and 12 are in condition for allowance.

The Rejections under 35 U.S.C. § 103

Claims 4, 7-8, 11, and 13-14

For at least the reasons noted above, claims 4 and 11, which depend either directly or indirectly as claims 1 and 9 respectively, are in condition for allowance.

Independent claims 7 and 13 are directed to methods and apparatus that may be used to delete from memory digital objects associated with a television program guide. In particular, claims 7 and 13 recite determining first and second fuzzy variables associated with

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a digital object, calculating a priority value by mapping the first and second fuzzy variables
onto an at least three dimensional profile surface adapted for determining preferences
associated with a television viewer, and selecting the digital object for deletion from memory
if the priority value crosses a predefined threshold.

Claims 7 and 13 were rejected as obvious under 35 U.S.C. §103 over the combination
of Knee and Lazarus (US 5,652,613). As described above, Knee employs a simple tabular
demographic matrix comparison to selectively display an advertisement to a user, not an at
least three dimensional profile surface to calculate a priority value or to selectively display a
digital object based on the calculated priority value. In addition to these deficiencies, Knee is
deficient with respect to claims 7 and 13 in that it does not disclose or suggest selecting a
digital object for deletion from memory if the priority crosses the predefined threshold. This
fact is conceded on page 10 of the Office action.

The examiner seeks to cure the deficiency of Knee using Lazarus. As noted, Lazarus
is directed to an intelligent program guide memory management system and method. In
particular, Lazarus discloses deleting the least valuable program guide information when
additional memory is needed in the program guide system. The Lazarus system manages
memory by first deleting all information that is obsolete and then by performing memory
triage if available memory is still insufficient. Memory triage includes assessing program
guide information value and deleting the least valuable program guide information. Lazarus
discloses that the value of program information is assessed by evaluating program age (length
of time since they were stored) and a program value that has been assigned to the channel.
However, for all of its disclosure, it is respectfully submitted that Lazarus does not disclose
or suggest mapping fuzzy variables to an at least three dimensional profile surface, as recited
by claims 7 and 13.

Accordingly, both Knee and Lazarus fail to disclose or suggest the mapping of fuzzy
variables to an at least three dimensional profile surface. Thus, it follows that no
combination of these references can render obvious the claimed system.

In addition, even if mapping fuzzy variables to an at least three dimensional profile
surface was disclosed in one or the other of Knee and Lazarus, there would be no motivation
to make the combination of Knee and Lazarus that is suggested in the Office action. This is
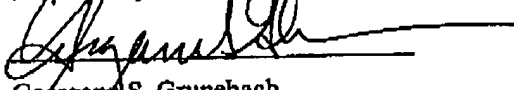
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because the demographics determination of Knee is directed to either displaying or ignoring advertising objects transmitted in a television signal, whereas Lazarus is directed to deleting programs. It is respectfully submitted that one of ordinary skill in the art would not be motivated to include the deletion of Lazarus in the advertising display system of Knee because Knee solves the problem of directed advertisement in a television broadcast system by showing a user specific advertisements while ignoring other transmitted advertisements, whereas the Lazarus system deletes superfluous information stored in memory. In fact, the fact that the Knee system never discloses the storing of advertisement objects and simply ignores any transmitted advertisement not selected, counsels against the combination of Knee and Lazarus because the resulting combination would yield a system that stores and deletes advertisement information. This is in direct contravention to the teachings of Knee.

Accordingly, for at least these reasons, it is respectfully submitted that claims 7 and 13, and any claims dependent thereon, are in condition for allowance.

Conclusion

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

Georgann S. Grunebach
Reg. No. 33,179
Attorney for Applicant

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The DIRECTV Group, Inc.
RE / R11 / A109
P.O. Box 956
2250 E. Imperial Highway
El Segundo, CA 90245
310-964-4615